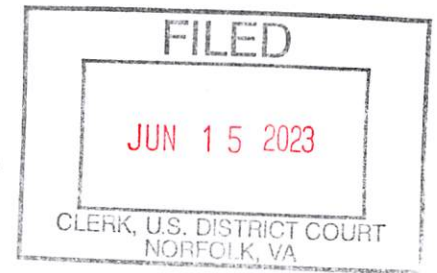


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
*Norfolk Division*



IN THE MATTER OF THE ISSUANCE  
OF A CRIMINAL COMPLAINT AND  
ARREST WARRANT RE:

JOHN MUCCIO

UNDER SEAL

Case No. 2:23-mj- 125

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A CRIMINAL COMPLAINT  
AND ARREST WARRANT**

I, Erik Gudmundsen, being first duly sworn, hereby states as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since December 2017. I am currently assigned to work cyber and transnational organized crime investigations to include major theft, money laundering, computer intrusions, Internet fraud, wire fraud, bank fraud, and financial institution fraud within the Norfolk, Virginia Division. My experience includes the investigation of cases involving the use of computers and the Internet to defraud, illegally access computers, and commit financial institution fraud. I have received law enforcement training in the investigation of criminal violations of federal law within the jurisdiction of the FBI, and have received specialized training in the investigation of computer-related crimes. Additionally, I have received training and gained experience in arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. I have participated in the execution of arrest and search

warrants, including those involving the search and seizure of computers and telephonic devices, as well as warrants to seize property subject to forfeiture.

2. This affidavit is submitted in support of an application for a criminal complaint and arrest warrant charging JOHN MUCCIO (hereinafter “MUCCIO”) with violations of 18 U.S.C. § 875(c) (making threatening interstate communications) .

3. The facts in this affidavit come from my personal observations and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and complaint and does not set forth all of my knowledge about this matter. Rather, I have included only the facts that are sufficient to establish probable cause for the issuance of a criminal complaint and the issuance of an arrest warrant for MUCCIO for the above-described criminal violations.

4. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

#### **PROBABLE CAUSE**

5. The Norfolk Field Office of the Federal Bureau of Investigation (FBI) is investigating allegations that an individual is making threats to commit mass murder of the employees of Company A<sup>1</sup>, a debt collection agency located in the Eastern District of Virginia. The individual has also threatened to sexually assault the wives of co-founders.

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<sup>1</sup> For purposes of this affidavit, the true identity of the victims will be protected due to privacy concerns and rights.

6. The threats were received by Company A's Artificial Intelligence Chatbot on April 19, 2023, May 1, 2023, and as recently as May 23, 2023, by a subject utilizing the IP address 65.32.65.18 during each string of communications, which is operated by Charter Communications. As a result, the FBI made an exigent request to Charter Communications, who provided the following information regarding the subscriber using IP address 65.32.65.18 at the times the online threats were made:

Subscriber Name: JOHN MUCCIO

Subscriber Address: 9806 25th Street East, Parrish, Florida 34219-9025

Subscriber Telephone: xxx-xxx-6530

7. Company A has confirmed that MUCCIO owes them approximately \$1,474.50. Company A has the same address for him, and lists the above phone number as a possible number associated with him as well, along with four other phone numbers. Company A has sent letters to the Muccio at his residence in Parrish, Florida, in March, June, and September 2022. Company A is unsure of how many times they have called MUCCIO, or how recently.

8. MUCCIO was named previously as a suspect for threatening, intimidating, using racial and religious slurs, verbally and in writing over email and text messages in a Broward County Sheriff's Office Report taken on September 30, 2016. Language from the text messages are included in the report, and the language appears similar to that found in the threats against Company A.

9. The subject utilized the names "Mark," "Alberto," "Max," and "J" when making the threats. A sampling of messages received by Company A can be seen in the excerpts below:

**MARK** 9:09 AM  
Hey if you call me again I'll cut your dumb \*\*\*\*\* heads off. Get a job you dumb \*\*\*\*\* cunts before I skull \*\*\*\* all your wives

**MARK** 9:09 AM  
Don't call my fucking number again you dumb \*\*\*\*\* cunts

Don't worry. Your sensitive data has been masked. 9:09 AM

**MARK** 9:09 AM  
I'll skull \*\*\*\* your bosses wife and kids while he watches you dumb \*\*\*\* \*\*\*\*\*

**ALBERTO** 9:13 AM  
[REDACTED] and [REDACTED] \* ESG DM

**ALBERTO** 9:14 AM  
Your wives can get skull fuked if you call me again

**ALBERTO** 9:14 AM  
you dumb N(gger cunts

**ALBERTO** 9:14 AM  
Stop fuking calling me you dumb N\*ggers

**ALBERTO** 9:14 AM  
Tell your boss to get in the chat

Figure 1: Messages from April 19, 2023

**MAX** 8:52 AM  
Tell me where your office is so I can kill all your fucking \*\*\*\*\* cunts who keep fucking calling me illegally you staid nigg/er

Don't worry. Your sensitive data has been masked. 8:52 AM

**MAX** 8:52 AM  
Dumb \*\*\*\*\*/s

Figure 2: Messages from May 1, 2023

\* The redactions above are the names of the two co-founders of Company A. ESG DM

J 1:19 PM

Awesome, I keep getting phone calls from your company if you keep calling my phone I will fucking murder every single one of your goddamn fucking niggers at that office. Tell that to your CEO because his family will come first you fucking dumb \*\*\*\*

Figure 3: Message from May 23, 2023

10. The messages sent on April 19, 2023 and May 1, 2023 were received by Company A at an office in Virginia (Norfolk Headquarters Office).
11. The messages sent on May 23, 2023 were received by Company A at an office in Texas (Dallas Regional Office).
12. The messages sent on May 1, 2023 were sent using a macOS operating system and the Safari browser. Therefore, I believe the subject has at least an Apple computer that contains relevant evidence to this investigation.
13. The messages sent on May 23, 2023 were sent using an iOS operating system and the Safari browser.

### CONCLUSION

14. Based on the information provided herein, I believe that there is sufficient probable cause to charge JOHN MUCCIO with sending threatening interstate communications, in violation of Title 18, United States Code, Section 875(c). To wit,

Count One: On or about April 19, 2023, in the Eastern District of Virginia and elsewhere, the defendant, JOHN MUCCIO, transmitted in interstate or foreign commerce a communication containing a threat to threat to injure the person of another; in violation of 18 U.S.C. §875(c);

Count Two: On or about May 1, 2023, in the Eastern District of Virginia and elsewhere, the defendant, JOHN MUCCIO, transmitted in interstate or foreign commerce a

communication containing a threat to threat to injure the person of another; in violation of 18 U.S.C. §875(c);

Count Three: On or about May 23, 2023, in the Eastern District of Virginia and elsewhere, the defendant, JOHN MUCCIO, transmitted in interstate or foreign commerce a communication containing a threat to threat to injure the person of another; in violation of 18 U.S.C. §875(c);

15. Accordingly, I request the issuance of a complaint and arrest warrant.

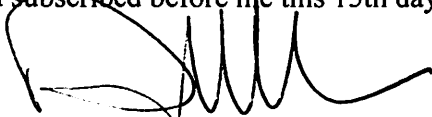
FURTHER, YOUR AFFIANT SAYETH NAUGHT.

Respectfully submitted,



Erik Gudmundsen  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me this 15th day of June, 2023, in the City of Norfolk, Virginia..



UNITED STATES MAGISTRATE JUDGE

Douglas E. Miller  
United States Magistrate Judge